

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

IN RE: KEISHA MICHELE YOUNG,	)	
	)	
Debtor.	)	
	)	
HENRICO FEDERAL CREDIT UNION,	)	
	)	
Plaintiff,	)	Case No. 17-36109-KRH
	)	Chapter 13
v.	)	
	)	
GABRIEL BROOKS,	)	
	)	
Defendant.	)	

**MOTION FOR RELIEF FROM CO-DEBTOR STAY**  
**PURSUANT TO 11 U.S.C. § 1301 (c)(2)**

Comes now Plaintiff, Henrico Federal Credit Union, Inc. ("Creditor" or "the credit union"), by counsel, and seeks to terminate the automatic stay as to the Co-Debtor, Gabriel Brooks ("Co-Debtor"), pursuant to 11 U.S.C. § 1301 (c)(2), and states as follows:

1. Creditor is a Credit Union engaged in such business with its principal office at 9401 W. Broad Street, Henrico, Virginia 23294.
2. Keisha Michele Young ("Debtor") is and individual believed to be residing at 4807 Brittles Lane, Henrico, VA 23231,

Edward S. Whitlock, III, Esquire, VSB #27811  
Lafayette, Ayers & Whitlock, PLC  
10160 Staples Mill Road, Suite 105  
Glen Allen, Virginia 23060  
Telephone: (804) 545-6250  
Facsimile: (804) 545-6259  
Counsel for Henrico Federal Credit Union

Gabriel Brooks, ("Co-Debtor") is an individual believed to be residing at 1714 N. 29<sup>th</sup> Street, Richmond, VA 23223.

3. On December 8, 2017, Debtor filed her Chapter 13 petition, case number 17-36109-KRH.

4. On or about January 9, 2014, Creditor obtained a judgment against the Debtor and Co-Debtor in the City of Richmond General District Court, Case No. GV13043433-00, in the amount of \$413.37, with interest at 6% per annum from 1/9/14, costs of \$55.00 costs and attorney fees of \$103.34. A copy of the Abstract of Judgment is attached hereto as Exhibit "A".

5. There is still a balance due and owing Creditor from Debtor and Co-Debtor of \$751.31 on the account. A copy of the account statement is attached hereto as Exhibit "B".

6. Creditor desires to have this Honorable Court lift the automatic stay against the Co-Debtor so that Creditor can proceed against him.

7. Debtor's Chapter 13 plan proposes to pay unsecured creditors a distribution of 2%.

8. Under 11 U.S.C. § 1301 (c)(2) this Honorable Court may lift the stay against a Co-Debtor when the plan filed by the Debtor proposes not to pay such claim in full.

9. Creditor will be irreparably harmed if the automatic stay is not lifted, as other creditors may exercise rights ahead of Creditor's rights.

WHEREFORE, Creditor, Henrico Federal Credit Union asks that the Court terminate the automatic stay against Co-Debtor, Gabriel Brooks.

HENRICO FEDERAL CREDIT UNION

By /s/ Edward S. Whitlock, III, Esquire  
Counsel for Henrico Federal Credit Union

## NOTICE

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the Court to grant the relief sought in the motion, or if you want the Court to consider your views on the Motion, then within **twenty (20) days** from the date of service of this motion, you must file a written response explaining your position with the Court at the following address:

**Clerk of Court  
United States Bankruptcy Court  
701 East Broad Street, Suite 4000  
Richmond, VA 23219**

and serve a copy on the Movant's attorney at the following address:

**Edward S. Whitlock, III, Esq.  
Lafayette, Ayers & Whitlock, PLC  
10160 Staples Mill Road, Suite 105  
Glen Allen, VA 23060**

Unless a written response is filed and served within this **twenty (20) day** period, the Court may deem opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing.

If you mail your response to the Court for filing, you must mail it early enough so the Court will **receive** it on or before the expiration of the **twenty (20) day** period.

If you do not file a written response by the deadline shown, the law provides that the stay protecting you from further legal action against you by this creditor will automatically terminate

[see 11 U.S.C. §1301(d)].

Dated: January 26, 2018

HENRICO FEDERAL CREDIT UNION

By /s/ Edward S. Whitlock, III, Esquire  
Edward S. Whitlock, III, Esquire, VSB # 27811  
Lafayette, Ayers & Whitlock, PLC  
10160 Staples Mill Road, Suite 105  
Glen Allen, Virginia 23060  
Telephone: (804) 545-6250  
Facsimile: (804) 545-6259

**CERTIFICATE OF SERVICE**

I hereby certify that on the 26<sup>th</sup> day of January, 2018, a true copy of the foregoing Motion for Relief from Co-Debtor Stay was served upon all necessary parties electronically to Patrick Thomas Keith, Esq., Attorney for Debtor, at Boleman Law Firm, P.C., P.O. Box 11588, Richmond, VA 23230 and Suzanne E. Wade, Trustee at P.O. Box 1780, Richmond, VA 23218-1780; and by first class U.S. postage prepaid mail to Keisha Michele Young, Debtor, at her last known address of 4807 Brittles Lane, Richmond, VA 23221 and Gabriel Brooks, Co-Debtor at his last known address of 1714 N. 29<sup>th</sup> Street, Richmond, VA 23223.

/s/ Edward S. Whitlock, III, Esquire  
Counsel

# PROPOSED ORDER

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division

IN RE: KEISHA MICHELE YOUNG,	)	
	)	
Debtor.	)	
	)	
HENRICO FEDERAL CREDIT UNION,	)	
	)	
Plaintiff,	)	Case No. 17-36109-KRH
	)	Chapter 13
v.	)	
	)	
GABRIEL BROOKS,	)	
	)	
Defendant.	)	

## ORDER

This matter came before the Court upon the motion by Henrico Federal Credit Union, ("Creditor"), by counsel, seeking an Order pursuant to 11 U.S.C. § 1301 (c)(2), terminating the automatic stay so that Creditor could proceed with collection efforts against Co-debtor, Gabriel Brooks, ("Defendant" or "Co-debtor") for the monies owed to Creditor.

It appearing that a Motion to Lift Stay as to the Co-debtor was properly filed, that proper notice was given to all relevant parties, and that the Co-debtor filed no response to the Motion to Lift Stay, it is hereby:

ORDERED that Henrico Federal Credit Union's Motion for Relief from Automatic Stay as

Edward S. Whitlock, III, Esquire, VSB #27811  
Lafayette, Ayers & Whitlock, PLC  
10160 Staples Mill Road, Suite 105  
Glen Allen, Virginia 23060  
Telephone: (804) 545-6250  
Facsimile: (804) 545-6259  
Counsel for Henrico Federal Credit Union

to the Co-debtor be and hereby is granted.

The Clerk is directed to send a copy of this Order upon entry to the undersigned parties.

ENTER:

---

United States Bankruptcy Judge

I ask for this:

---

Edward S. Whitlock, III, Esq., VSB # 27811  
Lafayette, Ayers & Whitlock, PLC  
10160 Staples Mill Road, Suite 105  
Glen Allen, Virginia 23060  
Telephone: (804) 545-6250  
Facsimile: (804) 545-6251  
Counsel for Henrico Federal Credit Union

**Local Rule 9022-1(C) Certification**

I hereby certify that on the \_\_\_\_\_ day of February, 2018 a true copy of the foregoing Order for Relief From Co-Debtor Stay was endorsed and/or served upon all necessary parties pursuant to Local Bankruptcy Rule 9022-1(C) by first class U.S. postage prepaid mail to: Patrick Thomas Keith, Esq., Attorney for Debtor, at Boleman Law Firm, P.C., P.O. Box 11588, Richmond, VA 23230 and Suzanne E. Wade, Trustee at P.O. Box 1780, Richmond, VA 23218-1780; Keisha Michele Young, Debtor, at her last known address of 4807 Brittles Lane, Richmond, VA 23221 and Gabriel Brooks, Co-Debtor at his last known address of 1714 N. 29<sup>th</sup> Street, Richmond, VA 23223.

---

Counsel

PARTIES TO RECEIVE COPIES:

Edward S. Whitlock, III, Esq.  
Lafayette, Ayers & Whitlock, PLC  
10160 Staples Mill Road, Suite 105  
Glen Allen, Virginia 23060

Patrick Thomas Keith, Esq.  
Boleman Law Firm, P.C.  
P.O. Box 11588  
Richmond, VA 23230

Keisha Michele Young  
4807 Brittles Lane  
Richmond, VA 23221

Gabriel Brooks  
1714 N. 29<sup>th</sup> Street  
Richmond, VA 23223

Suzanne E. Wade, Trustee  
P.O. Box 1780  
Richmond, VA 23218-1780

**ABSTRACT OF JUDGMENT**

Commonwealth of Virginia VA. CODE § 8.01-449

Case No. GV13043433-00

RICHMOND GENERAL DISTRICT COURT - CIVIL

400 N. 9TH ST., ROOM 203, RICHMOND, VA 23219

DISTRICT COURT NAME AND ADDRESS

HENRICO FEDERAL CREDIT UNION

v. BROOKS, GABRIEL

FULL NAME OF PLAINTIFF (LAST, FIRST, MIDDLE)

FULL NAME OF DEFENDANT (LAST, FIRST, MIDDLE)

ADDRESS

ADDRESS

1714 N 29TH STREET  
RICHMOND, VA 23223

CITY

STATE

ZIP

0000

DATE OF BIRTH

SSN (LAST FOUR DIGITS ONLY)

FULL NAME OF PLAINTIFF(S)

CITY

STATE

ZIP

0000

DATE OF BIRTH

SSN (LAST FOUR DIGITS ONLY)

YOUNG, KEISHA M

FULL NAME OF DEFENDANT(S)

ADDRESS

ADDRESS

1714 N 29TH STREET  
RICHMOND, VA 23223

CITY

STATE

ZIP

CITY

STATE

ZIP

0000

DATE OF BIRTH

SSN (LAST FOUR DIGITS ONLY)

DATE OF BIRTH

SSN (LAST FOUR DIGITS ONLY)

This is to certify that a judgment was rendered in this court in favor of:

☒ PLAINTIFF(S) against DEFENDANT(S)☐ DEFENDANT(S) against PLAINTIFF(S)☐ v. \_\_\_\_\_

DATE OF JUDGMENT

01/09/2014

\$ 413.37

AMOUNT OF JUDGMENT

\$

AMOUNT OF JUDGMENT NOT SUBJECT TO ACCRUAL OF INTEREST

HOMESTEAD EXEMPTION WAIVED ☐ YES ☐ NO ☐ CANNOT BE DEMANDED

\$

ALTERNATE VALUE OF SPECIFIC PROPERTY AWARDED

INTEREST RATE(S) AND BEGINNING DATE(S)

6 % FROM 01/09/14

COSTS

\$ 55.00

ATTORNEY'S FEES

\$ 103.34

ATTORNEY

LAFAYETTE, AYERS

OTHER:

I certify the above to be a true abstract of a judgment rendered in this court.

02/25/2014

DATE

Cheryl Bangs  
Dep. CLERK

JUDGE

EXHIBIT

A



Lafayette, Ayers & Whitlock, PLC  
 10160 Staples Mill Road, Ste 105  
 Glen Allen, VA 23060  
 Telephone (804) 545-6250  
 Facsimile (804) 545-6259

## ***Projected Interest Statement***

As of: 12/08/2017  
 Account: [REDACTED] 536.001

Gabriel Brooks  
 4807 Brittles Lane  
 Henrico, VA 23231  
 Ref No: [REDACTED] 629

Court File: GV13043433

Principal	413.37
Interest	0.00
Fees	103.34
Costs	137.50
Other	0.00
Overpayment	0.00
<b>Current Bal</b>	<b>654.21</b>
New Interest	97.10
<b>Projected Bal</b>	<b>751.31</b>

### Posted Interest

Interest Posted as of: 01/09/2014 0.00

### Projected Interest thru: 12/08/2017

Pre-Judgment Interest:	0.0000% (0.0000% per day)	
\$0.0000 Per Day For 0 Days		0.00
Post-Judgment Interest:	6.0000% (0.0164% per day)	
\$0.0680 Per Day For 1429 Days		97.10
Total New Interest		<u>97.10</u>

Total Interest Owing as of: 12/08/2017 97.10

**EXHIBIT**  
**B**